IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VISUAL CONTENT IP, LLC,	)
	)
Plaintiff,	)
	) Civil Action No.
v.	)
	) **JURY TRIAL DEMANDED**
VATECH AMERICA INC.,	)
	)
Defendant.	)
	)

COMPLAINT

Plaintiff Visual Content IP, LLC ("Visual Content"), brings this civil action against Defendant VATECH America Inc. ("VATECH" or "Defendant") for patent infringement. For its Complaint, Visual Content, by and through its undersigned counsel, alleges as follows:

THE PARTIES

1. Plaintiff Visual Content is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 487, Plano, Texas 75093.

2. Upon information and belief, VATECH is a Delaware corporation maintaining a place of business at 2200 Fletcher Avenue, Suite 705A, Fort Lee, NJ, 07024.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

5. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b) because VATECH is incorporated in Delaware.

FACTUAL BACKGROUND

THE PATENTS-IN-SUIT

6. This action seeks redress for the infringement of 5 patents. These are United States Patents No. 9,591,167 (the "'167 patent"), No. 9,270,857 (the "'857 patent"), No. 8,786,897 (the "'897 patent"), No. 8,693,047 (the "'047 patent"), and No. 8,189,965 (the "'965 patent") (collectively the "Visual Content Patents").

7. The Visual Content Patents claim systems and methods comprising scanners or methods for scanning that assemble scanned image tiles into coherent composite images.

8. The inventors named on each of the Visual Content Patents are Albert Durr Edgar, Michael Charles Wilder, Darryl Ray Polk, Michael David Wilkes, Sheppard Parker, Martin Potucek ("Inventors"). The Inventors were all employed by the original assignee of the Visual Content Patents, Image Trends, Inc., ("Image Trends") a company that was based in Austin, Texas, at the time they developed the inventions claimed in the Visual Content Patents. Image Trends provided software, hardware, professional services and system design services, including digital image processing applications, and its technology has been incorporated in a wide range of products.

9. The Visual Content Patents also have been licensed to a number of companies in several technological fields including smartphone applications that support panoramic images, computer mice with scanning functionality, and handheld scanners.

10. Visual Content is the assignee and owner of the right, title and interest in and to the Visual Content Patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

11. The ‘167 patent – entitled “Image Capture Unit and Computer Readable Medium Used in Combination with Same” – was duly and lawfully issued by the U.S. Patent and Trademark Office on March 7, 2017. A true and correct copy of the ‘’167 patent is attached hereto as Exhibit A.

12. The ‘857 patent – entitled “Image Capture Unit and Computer Readable Medium Used in Combination with Same” – was duly and lawfully issued by the U.S. Patent and Trademark Office on February 23, 2016. A true and correct copy of the ‘’857 patent is attached hereto as Exhibit B.

13. The ‘897 patent – entitled “Image Capture Unit and Computer Readable Medium Used in Combination with Same” – was duly and lawfully issued by the U.S. Patent and Trademark Office on July 22, 2014. A true and correct copy of the ‘’897 patent is attached hereto as Exhibit C.

14. The ‘047 patent – entitled “Image Capture Unit and Computer Readable Medium Used in Combination with Same” – was duly and lawfully issued by the U.S. Patent and Trademark Office on Feb. 26, 2013. A true and correct copy of the ‘’047 patent is attached hereto as Exhibit D.

15. The ‘965 patent – entitled “Image Processing Handheld Scanner System, Method, and Computer Readable Medium” – was duly and lawfully issued by the U.S. Patent and Trademark Office on May 29, 2012. A true and correct copy of the ‘’965 patent is attached hereto as Exhibit E.

ACCUSED INSTRUMENTALITIES

16. VATECH has made, had others make, used, imported, offered for sale, and/or sold certain panoramic dental imaging devices and associated applications, including the PaX-i,

PaX-i3D, PaX-i3d Green, i3d Smart, i3d Premium, and any other similar scanners and/or including the Ez3D-I, Ez3D-Plus, EzDent-i and/or EzDent-4 software and any other similar software, which individually or in combination assemble scanned image tiles into coherent composite images which infringe the Visual Content Patents ("the Accused VATECH Products").

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 9,591,167

17. Visual Content repeats and realleges the allegations of paragraphs 1 through 16 as if fully set forth herein.

18. Without license or authorization and in violation of 35 U.S.C. § 271(a), VATECH has infringed at least claims 1 and 11 of the '167 patent by making, having made, using, importing, offering for sale, and/or selling scanners that assemble scanned image tiles into coherent composite images, including the Accused VATECH Products. The following is a representative description of how the Accused VATECH Products infringe representative Claims 1 and 11 of the '167 Patent. This description is made without benefit of access to the software and schematics describing the Accused VATECH Products, which would allow for greater specificity in identifying the particular features of the Accused VATECH Products that embody the claimed inventions.

19. More specifically, each of the Accused VATECH Products meets all the limitations of Claim 1 as each comprises a computer readable medium that:

a. includes at computer-executable instructions for performing a method of processing sensor data generated by an image capture unit;

b. the computer-executable instructions comprising processor-executable operations for processing sensor data received from an image capture unit to produce processed sensor data;

c. wherein the sensor data received from the image capture unit includes a plurality of image tiles and position indicating data;

d. at least one of the image tiles includes a discrete portion of visual content;

e. the processed sensor data comprises at least portions of one or more of said image titles;

f. displaying a feedback image using at least a portion of the processed sensor data by correlating a relative position of one of said image tiles included in the processed sensor data with at least one other image tile included in the processed sensor data; and

g. modifying the processed sensor data according to input from a user and updating the feedback image according to the modification.

20. Each of the Accused VATECH Products also meets all the limitations of Claim 11 as each comprises a system that:

h. includes an image capture unit which is communicably coupled to a controller that includes a software-configurable processor and a memory storing processor-executable to control the processer in order to process sensor data generated by the image capture unit;

i. sensor data received from the image capture unit is processed to produce processed sensor data;

j. the sensor data received from the image capture unit includes a plurality of image tiles and position indicating data;

k. at least one of the image tiles includes a discrete portion of visual content;

l. the processed sensor data comprises at least portions of one or more of said image titles;

m. the system provides for display a feedback image using at least a portion of the processed sensor data by correlating a relative position of a particular one of said image tiles included in the processed sensor data with at least one other image tile included in the processed sensor data; and

21. making modifications to the processed sensor data according to input from a user and updating the feedback image according to the modifications.

22. Visual Content is entitled to recover from Defendant the damages sustained by Visual Content as a result of Defendant's infringement of the '167 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 9,270,857

23. Visual Content repeats and realleges the allegations of paragraphs 1 through 22 as if fully set forth herein.

24. Without license or authorization and in violation of 35 U.S.C. § 271(a), VATECH has infringed at least claim 1 of the '857 patent by making, having made, using, importing, offering for sale, and/or selling scanners that assemble scanned image tiles into coherent composite images, including at least some of the Accused VATECH Products. The following is a representative description of how the Accused VATECH Products infringe representative

Claim 1 of the '857 Patent. This description is made without benefit of access to the software and schematics describing the Accused VATECH Products, which would allow for greater specificity in identifying the particular features of the Accused VATECH Products that embody the claimed inventions.

25. More specifically, each the Accused VATECH Products meets all the limitations of Claim 1 as each comprises a non-transitory computer-readable medium having computer-executable instructions accessible therefrom, said computer executable instructions configured for controlling at least one processor to perform a method of processing information generated by an image capture unit.

26. Further the computer-executable instructions comprise operations for processing sensor data received from the image capture unit, wherein said sensor data includes a plurality of image tiles and position indicating data defining a relative position of a respective one of said image tiles, wherein at least a portion of said image tiles includes data representing a discrete portion of visual content.

27. The computer-executable instructions also comprise operations for displaying a feedback image derived using said data representing the discrete portion of said visual content of at least a portion of said image tiles.

28. The displaying of the feedback image includes displaying the discrete portion of said visual content of at least a portion of said image tiles in response to at least a portion of said image tiles being generated and wherein displaying the discrete portion of said visual content includes correlating the relative position of a particular one of said image tiles with at least one other image tile that has been previously generated and displayed.

29. The displaying of the feedback images also includes correlating an abstract image of one image tile with an abstract image of another image tile.

30. Visual Content is entitled to recover from Defendant the damages sustained by Visual Content as a result of Defendant's infringement of the '857 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT III – INFRINGEMENT OF U.S. PATENT NO. 8,786,897

31. Visual Content repeats and realleges the allegations of paragraphs 1 through 30 as if fully set forth herein.

32. Without license or authorization and in violation of 35 U.S.C. § 271(a), VATECH has infringed at least claim 1 of the '897 patent by making, having made, using, importing, offering for sale, and/or selling scanners that assemble scanned image tiles into coherent composite images, including the Accused VATECH Products. The following is a representative description of how the Accused VATECH Products infringe representative Claim 1 of the '897 Patent. This description is made without benefit of access to the software and schematics describing the Accused VATECH Products, which would allow for greater specificity in identifying the particular features of the Accused VATECH Products that embody the claimed inventions.

33. More specifically, the each of Accused VATECH Products meets all the limitations of Claim 1 as each comprises a non-transitory computer-readable medium having computer-executable instructions accessible therefrom, said computer executable instructions configured for controlling at least one processor to perform a method of processing information generated by an image capture unit.

34. Further the computer-executable instructions comprise operations for processing sensor data received from the image capture unit, wherein said sensor data includes a plurality of image tiles and position indicating data defining a relative position of a respective one of said image tiles, wherein at least a portion of said image tiles includes data representing a discrete portion of visual content.

35. The computer-executable instructions also comprise operations for displaying a feedback image derived using said data representing the discrete portion of said visual content of at least a portion of said image tiles.

36. The displaying of the feedback image includes displaying the discrete portion of said visual content of at least a portion of said image tiles in response to at least a portion of said image tiles being generated and wherein displaying the discrete portion of said visual content includes correlating the relative position of a particular one of said image tiles with at least one other image tile that has been previously generated and displayed.

Visual Content is entitled to recover from Defendant the damages sustained by Visual Content as a result of Defendant's infringement of the '897 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT IV – INFRINGEMENT OF U.S. PATENT NO. 8,693,047

37. Visual Content repeats and realleges the allegations of paragraphs 1 through 36 as if fully set forth herein.

38. Without license or authorization and in violation of 35 U.S.C. § 271(a), VATECH has infringed at least claim 6 of the '047 patent by making, having made, using, importing, offering for sale, and/or selling scanners that assemble scanned image tiles into coherent

composite images, including the Accused VATECH Products. The following is a representative description of how the Accused VATECH Products infringe representative Claim 6 of the '047 Patent. This description is made without benefit of access to the software and schematics describing the Accused VATECH Products, which would allow for greater specificity in identifying the particular features of the Accused VATECH Products that embody the claimed inventions.

39. More specifically, each of the Accused VATECH Products meets all the limitations of Claim 6 as each comprises an image capture unit that includes a sensor system for generating a plurality of position indicating data instances.

40. Further, the image capture unit includes a data processing arrangement configured for deriving from at least one of the position indicating data instances a position of the image capture unit at a point in time when a captured image data instance was one of initiated, completed, and partially completed, wherein deriving the position of the image capture unit includes interpolating the position of the image capture unit from at least one of the said position indicating data instances generated prior to a point in time when the captured image data instance was one of initiated, completed, and partially completed and at least one of said position indicating data instances generated after the point in time when the captured image data instance was one of initiated, completed, and partially completed.

41. Visual Content is entitled to recover from Defendant the damages sustained by Visual Content as a result of Defendant's infringement of the '047 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT V – INFRINGEMENT OF U.S. PATENT NO. 8,189,965

42. Visual Content repeats and realleges the allegations of paragraphs 1 through 41 as if fully set forth herein.

43. Without license or authorization and in violation of 35 U.S.C. § 271(a), VATECH has infringed at least claims 1 and 21 of the '965 patent by making, having made, using, importing, offering for sale, and/or selling scanners that assemble scanned image tiles into coherent composite images, including the Accused VATECH Products. The following is a representative description of how the Accused VATECH Products infringe representative Claims 1 and 21 of the '965 Patent. This description is made without benefit of access to the software and schematics describing the Accused VATECH Products, which would allow for greater specificity in identifying the particular features of the Accused VATECH Products that embody the claimed inventions.

44. More specifically, each of the Accused VATECH Products meets all the limitations of Claim 1 as each comprises a scanner system that:

n. includes at least one processor, memory coupled to the at least one processor, and instructions accessible from the memory of the processor;

o. the instructions associated with the Accused VATECH Products cause the processor to process sensor data received from a scanner, wherein the sensor data includes a plurality of image tiles and position indicating data defining a respective relative position of each one of the image tiles;

p. the plurality of image tiles includes data representing a discrete portion of visual content of a scanned object;

q. the instructions associated with the Accused VATECH Products also cause the processor to display a feedback image derived from the image tile data;

r. the display of the feedback image derived from the image tile data includes causing the processor to display the discrete portion of the visual content of each one of the image tiles in a real-time or near real-time manner with respect to each one of the image tiles being generated; and

s. the instructions associated with the Accused VATECH Products cause the processor to display the discrete portion of the visual content of each one of the image tiles by correlating the relative position of each one of said image tiles in the real-time or near real-time manner with at least one other image tile that has been previously generated and displayed.

45. Each of the Accused VATECH Products also meets all the limitations of Claim 21 as each also includes computer-executable instructions, which are configured for controlling at least one processor to perform the step of processing sensor data received from a scanner, wherein the sensor data includes a plurality of image tiles and position indicating data defining a respective relative position of each one of the image tiles, wherein each one of the image tiles includes data representing a discrete portion of visual content of a scanned object.

46. In addition, the computer-executable instructions of each of the Accused VATECH Products are configured for controlling at least one processor to perform the additional step of displaying a feedback image derived from the image tile data, wherein displaying the feedback image includes displaying the discrete portion of the visual content of each one of said image tiles in a real-time or near real-time manner with respect to each one of the image tiles being generated and wherein displaying the discrete portion of said visual content of each one of

the image tiles includes correlating the relative position of each one of the image tiles in the real-time or near real-time manner with at least one other image tile that has been previously generated and displayed.

47. Visual Content is entitled to recover from Defendant the damages sustained by Visual Content as a result of Defendant's infringement of the '965 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Visual Content hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Visual Content requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed each of the Visual Content Patents;

B. An award of damages to be paid by Defendant adequate to compensate Visual Content for Defendant's past infringement of the Visual Content Patents through the earlier of the date of judgment or the expiration of the last to expire of the Visual Content Patents, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. An injunction precluding Defendant's further infringement of the Visual Content Patents;

D. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Visual Content's reasonable attorneys' fees; and

E. An award to Visual Content of such further relief at law or in equity as the Court decides is just and proper.

Dated: August 23, 2017

/s/ Stamatios Stamoulis

Stamatios Stamoulis #4606
stamoulis@swdelaw.com
Richard C. Weinblatt #5080
weinblatt@swdelaw.com

STAMOULIS & WEINBLATT LLC
Two Fox Point Centre
6 Denny Road, Suite 307
Wilmington, DE 19809
(302) 999-1540

Nicole D. Galli (*pro hac vice to be filed*)
Charles P. Goodwin (*pro hac vice to be filed*)
LAW OFFICES OF N.D. GALLI LLC
2 Penn Center Plaza, Suite 910
1500 JFK Blvd
Philadelphia, PA 19102
Telephone: (215) 525-9580
Facsimile: (215) 525-9585
ndgalli@ndgallilaw.com
cgoodwin@ndgallilaw.com

Attorneys for Plaintiff Visual Content IP, LLC